



MEMORANDUM

To: Honorable Mayor and Town Council

From: Rafael G. Casals, CFM, Town Manager

Date: July 20, 2016

Re: Village of Old Cutler Corp –Frontage Variances
(Application No.: V-2015-017) **previously deferred per June 15, 2016 Regular Town Council Meeting to date certain July 20, 2016 Regular Town Council Meeting*

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION TO ARTICLE IV, DISTRICTS AND DEVELOPMENT STANDARDS, SEC. 3-58(5) OF THE TOWN CODE RELATING TO THE MINIMUM PERCENTAGE REQUIRED FOR BUILDING FRONTAGE FOR VILLAGE OF OLD CUTLER CORP LOCATED AT 36-6009-003-0310 AND 36-6009-003-0290; AND PROVIDING FOR AN EFFECTIVE DATE. (previously deferred per June 15, 2016 Regular Town Council Meeting to date certain July 20, 2016 Regular Town Council Meeting*)**

APPLICANT

Village of Old Cutler Corp.

PROPERTY

Folio Numbers: 36-6009-003-0310 and 36-6009-003-0290

Legal Description: 36-6009-003-0310
Tenalla Ocean Farms Addn PB 12-40 All of lots 4 & 5 lots 6 & 7 less S 10 ft and all lots 8 thru 13 blk 14
36-6009-003-0290
Tenalla Ocean Farms Addn PB 12-40 Lots 1-2-3 blk 14.

BACKGROUND

The subject 3.64 acre property is bounded by SW 200th Street to the north, Old Cutler Road to the east and south, and SW 87th Ave to the west. The applicant, Village of Old Cutler Corp., is proposing a commercial mixed-use development (Attachment “A”)





consisting of a 15,852 square foot CVS building with an attached drive-thru facility and a 40,536 square foot mixed use building incorporating ground floor retail (6,698 square feet) with 18 residential units (2nd and 3rd Floors) .

The parcel (Attachment “B”) land use designation on the Town’s adopted Future Land Use Map is ‘Mixed Use’ (Attachment “C”) and the property is zoned NC-1, ‘Neighborhood Commercial 1’ (Attachment “D”). Both permit mixed use commercial and residential development. Around the subject site, there is single family development to the north, west and southeast and commercial uses to the southwest. The Applicant, Village of Old Cutler Corp., is seeking a Variance to Town Code Section 3-58 (5) which requires buildings in the NC-1 zoning district to have the following percentages of building frontage (1st floor) on adjacent streets:

Town Code Requirement [Sec. 3-58 (5) Table of Standards]

- * Primary Street (Old Cutler Road): Minimum of 70% building frontage
- * Secondary Street (SW 87th Avenue): Minimum of 50% building frontage.

The latest site plan (dated 7-6-16 and received by the Town on 7-8-16) depicts the following as requested in tis Variance application (Attachment “F”).

VARIANCES REQUESTED

- * Old Cutler Road: The combined frontage of the CVS and Mixed Use buildings is 54.8% of the street length where a minimum of 70% is required.
- * SW 87th Avenue: The CVS store is the only building fronting on SW 87th Avenue and it has a total frontage width of 31.6% where a minimum of 50% is required.

VARIANCE APPROVAL EVALUATION CRITERIA

Section 3-36 of the Land Development Code outlines the variance approval standards that apply in this case and they are provided below along with a compliance evaluation of the subject variance request. Documents relating to public notice requirements for this project are contained in Attachment “E”.

1. The variance will result in conditions that maintain and are consistent in all material respects with the intent and purpose of these Regulations, and that the general welfare, stability and appearance of the community will be protected and maintained.

The applicant is requesting that the Town vary its building frontage standards along both Old Cutler Road and SW 87th Avenue. In the Letter of Intent, the applicant states the property’s unusual triangular shape creates a situation where the primary frontage on Old Cutler is significantly longer than a more normally-shaped site of the same size. The odd property shape makes it very difficult to accommodate the longer frontage with 2 driveways and 2 narrow angular corners





on each end of the frontage where buildings cannot be placed due to building setback requirements. The applicant has planned a linear pergola structure along the Old Cutler frontage north of the Mixed Use building to try to meet one intent of the frontage requirement which is to visually define the corridor.

The applicant states that on SW 87th Avenue other Town Code provisions and residential impact concerns also make the provision of 50% or more in building frontage very difficult. The Code requires a 25-foot wide landscape buffer adjacent to the residential uses across the road so buildings cannot front directly on SW 87th Avenue. There is also the established Town policy to orient buildings to Old Cutler Road and away from residential uses to the west and north of the site.

The Town's building frontage requirements were put in place to implement the community's vision for its major commercial corridors, including Old Cutler Road, as provided for in the Growth Management Plan. This vision is for improved community aesthetic qualities, definition of the public space and encouragement of interesting and inviting pedestrian experiences. This is an important and distinguishing Town development regulation.

In staff's opinion the applicant is dealing with an irregular shaped lot which makes the placement of buildings along 70% of the Old Cutler Road frontage extremely difficult. Similarly, on SW 87th Avenue, the need to keep buildings away from adjacent residential areas and orient them to Old Cutler, makes the 50% building frontage rule also very difficult to implement and, if it was, could generate adverse impacts to nearby neighborhoods.

However, the result of the variance request will not maintain or be consistent with the intent and purpose of the Town's Land Development Regulations (LDRs). The appearance of the community will not be protected and maintained by the granting of these variances. Numerous driveway openings and un-activated public and private spaces decrease the sense of place and serve to negate the intent of the provision to provide activity along Old Cutler Road.

2. The variance will be compatible with the surrounding land uses, and otherwise consistent with these Regulations and the Comprehensive Plan, and will not be detrimental to the community.

The Growth Management Plan goal, objective and policies below are relevant to this request and its impact.

Goal 1: Protect and improve the Town's built and natural environment through the use of land in a manner that enhances existing neighborhoods, conserves resources, ensures the availability of public facilities and services, and realizes the community's vision for its future.





Objective FLU-3: Mixed Use Districts. The areas designated “Mixed Use” on the Future Land Use Map shall be developed or redeveloped through the Land Development Regulations as design unified horizontal and vertical mixed use areas in accordance with the adopted plans and studies that reflect the community’s vision.

Policy FLU-3C: The area located along the Old Cutler Road corridor and designated “Mixed Use” on the Future Land Use Map shall be redeveloped as a place where living, working, shopping, and civic activities can take place within a town center type environment.

Policy FLU-3D: New development and redevelopment along Old Cutler Road shall consist of a variety of buildings and uses that will encourage pedestrian activity with wide sidewalks, balconies, outdoor cafes, squares, and plazas.

The applicant has provided justifications and mitigating circumstances which are relevant. The triangular parcel shape and need to orient buildings to Old Cutler and away from residential areas to the north and west make the provision to the street building frontages very difficult. A linear pergola structure is shown along Old Cutler to extend the frontage effect and meet a portion of the regulatory intent.

However, the proposed variances are very significant and, despite unique site conditions, not in compliance with the goal, objective and policies above. The frontage standard was created to provide interesting aesthetic and pedestrian features along major mixed use corridors, and not views of parking lots and driveways that have to be crossed by pedestrians. The request is inconsistent with the Town’s Land Development Regulations which were established to implement the Growth Management Plan and Cutler Bay’s Vision.

3. That the request for a variance is not based on an economic disadvantage to the owner or occupant of the property upon which the variance is sought.

The applicant states in the Letter of Intent that the variances are not related to any economic loss for the applicant.

RECOMMENDATION

Staff recommends **denial** of the requested variance to building frontage standards on primary and secondary streets.

CONDITIONS

1. Additional accessory structures, such as trellises or other architectural features may be strategically placed in order to project the concept of greater building frontages.





2. Approval of the Building Frontage subject to Town Council approval of Variance No. V-2015-017 (Buffer Area)
3. Approval of the Building Frontage is subject to Town Council approval of Conditional Use No. CU-2015-012
4. Approval of the Building Frontage is subject to Town Council approval of Site Plan No. SP-2015-001

ATTACHMENTS

- Attachment “A” – Letter of Intent and Application
- Attachment “B” – Aerial Photo
- Attachment “C” – Future Land Use Map
- Attachment “D” – Zoning Map
- Attachment “E” – Advertisement, Courtesy Notices and Posting
- Attachment “F” – Revised Site Plan
- Attachment “G” – Registered Lobbyist

